

REMARKS

Claims 30-38 are pending. The specification has been revised to add sequence identifiers to particular amino acid sequences. Support for new Claims 30-38 is found throughout the specification and in the original claims. For instance, a protein capable of regenerating luciferin is described on page 1, lines 3-10; polynucleotides encoding the amino acid sequence of SEQ ID NO: 2 are described on page 3, line 3-6; isolation and purification procedures are disclosed on page 8 of the specification, and the *E. coli* strain of Claim 38 is disclosed at the bottom of page 13-page 14, line 1 of the specification. Accordingly, the Applicants do not believe that any new matter has been introduced.

REJECTION - 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 12-18, 20, 21, 23, 24, 26 and 27 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of these claims and would not apply to the new claims which are directed to polynucleotides encoding the polypeptide of SEQ ID NO: 2 or a fragment of this polypeptide that regenerates luciferase.

REJECTION - 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 12-28 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate enablement. The Applicants thank Examiner for indicating that the polynucleotide encoding the protein of SEQ ID NO: 2 is enabled. This rejection is moot in view of the cancellation of these claims and would not apply to the new claims which are directed to polynucleotides encoding the polypeptide of SEQ ID NO: 2 or a fragment of this polypeptide that regenerates luciferase.

REJECTION - 35 U.S.C. § 112, FIRST PARAGRAPH

Claim 29 was rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate enablement. *E. coli* JM109 (pLRE) was deposited under the terms of the Budapest Treaty. As required by 37 C.F.R. 1.808, subject to the one exception permitted by 37 C.F.R. 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon granting of the patent. See MPEP 2410.01. The deposit receipt for this strain is attached to this response. Accordingly, the Applicants respectfully submit that this rejection may now be withdrawn.

REJECTION - 35 U.S.C. § 103(a)

Claims 12-18, 20, 21, 23, 24, 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajiyama, U.S. Patent No. 5,814,504. This rejection may be withdrawn in view of the above amendments. Kajiyama does not disclose a protein having the specified partial amino acid sequence. Therefore, the Applicants respectfully request that this rejection now be withdrawn.

CONCLUSION

In view of the above amendments and remarks the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

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